

REMARKS

Claims 1-16 are pending in the application; the status of the claims is as follows:

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,429,895 B1 to Onuki ("Onuki").

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

The indication, in the Office Action that the Examiner has no objections to the drawings filed on April 3, 2001, is noted with appreciation.

The objection to the title of the invention as not being descriptive is noted and a new title is presented in this Amendment which is clearly indicative of the invention to which the claims are directed. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 1-8 and 13-16 have been amended to more clearly define the invention. These changes do not introduce any new matter.

35 U.S.C. § 102(e) Rejection

The rejection of claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by Onuki, is respectfully traversed based on the following.

Claim 1 is not anticipated by Onuki because claim 1 recites an element not found in Onuki. Specifically, claim 1 recites "a controller which, when said abnormality is detected by said detector, suspends processing in said multiplex image taking mode, and accepts user selection regarding image recording for said plurality of images taken." In one embodiment of the invention, when the abnormality is detected and the multiplex

image taking mode is suspended, the user can select whether some or all of the images taken are to be retained. The selected images can then be stored in the memory card. (Specification, page 30, lines 13-19).

Onuki discloses an image sensing apparatus having an image stabilization function. A plurality of images are sensed while slightly shifting the image formation position of an image, incoming through an optical system, on an image sensing device. The plurality of sensed images are synthesized to obtain a single high resolution image. (Col. 1, ll. 9-31). In portions of Onuki specified by the Office Action, Onuki discloses that once the pixel shifting operation is completed, image synthesis processing is performed. (Col. 22, ll. 51-57). If pixel shifting operation is not performed, there is no need to perform image synthesis. (Col. 20, ll. 35-37). The system of Onuki can determine whether or not it is appropriate to perform the pixel shifting operation and can change pixel shifting modes based on an image sensing mode set by the user. (Col. 22, ll. 62-67). When the vibration is such that the effect of the vibration which causes deterioration of an image is stronger than the effect of the pixel shifting operation in improving the image quality, pixel shifting is disabled. (Col. 19, line 65 through col. 20, line 6). Thus, although Onuki discloses that pixel shifting can be disabled, there is no disclosure in Onuki of accepting user selection regarding image recording for the plurality of images taken when the abnormality is detected and the multiplex image taking mode is suspended. Accordingly, Onuki does not include every limitation and cannot anticipate claim 1.

Claim 2 is not anticipated by Onuki because claim 2 recites an element not found in Onuki. Specifically, claim 2 recites "a controller which, when said abnormality is detected by said detector, suspends processing in said multiplex image taking mode, and accepts user selection regarding image recording for said plurality of images taken." As discussed above, there is no disclosure in Onuki of accepting user selection regarding image recording for the plurality of images taken when the abnormality is detected and the multiplex image taking mode is suspended. Accordingly, Onuki does not include every limitation and cannot anticipate claim 2.

Claim 3 is not anticipated by Onuki because claim 3 recites an element not found in Onuki. Specifically, claim 3 recites “a display which, when said abnormality is detected by said detector, indicates that a multiplex image taking is unsuccessful and provides for user selection regarding image recording for said plurality of images taken.” In one embodiment of the invention, the user can select whether some or all of the images taken are to be retained when the abnormality is detected and the multiplex image taking is unsuccessful. The selected images can then be stored in the memory card. (Specification, page 30, lines 13-19).

In portions specified in the Office Action, the type of pixel shifting mode is displayed on the display device DISP of the camera main body CMR to inform the user of which mode is used for photographing an image. (Col. 20, ll. 11-15). However, there is no disclosure in Onuki that the display provides for user selection regarding image recording for the plurality of images taken when the abnormality is detected and the multiplex image taking is unsuccessful. Accordingly, Onuki does not include every limitation and cannot anticipate claim 3.

Claim 4 is not anticipated by Onuki because claim 4 recites an element not found in Onuki. Specifically, claim 4 recites “a display which, when said abnormality is detected by said detector, indicates that a multiplex image taking is unsuccessful and provides for user selection regarding image recording for said plurality of images taken.” As discussed above, there is no disclosure in Onuki that the display provides for user selection regarding image recording for the plurality of images taken when the abnormality is detected and the multiplex image taking is unsuccessful. Accordingly, Onuki does not include every limitation and cannot anticipate claim 4.

Claim 5 is not anticipated by Onuki because claim 5 recites an element not found in Onuki. Specifically, claim 5 recites “suspending processing in said multiplex image taking mode when said abnormality is detected; and accepting user selection regarding image recording for said plurality of images taken.” As discussed above, there is no

disclosure in Onuki of accepting user selection regarding image recording for the plurality of images taken when the abnormality is detected and the multiplex image taking mode is suspended. Accordingly, Onuki does not include every limitation and cannot anticipate claim 5.

Claim 6 is not anticipated by Onuki because claim 6 recites an element not found in Onuki. Specifically, claim 6 recites “suspending processing in said multiplex image taking mode when said abnormality is detected; and accepting user selection regarding image recording for said plurality of images taken.” As discussed above, there is no disclosure in Onuki of accepting user selection regarding image recording for the plurality of images taken when the abnormality is detected and the multiplex image taking mode is suspended. Accordingly, Onuki does not include every limitation and cannot anticipate claim 6.

Claim 7 is not anticipated by Onuki because claim 7 recites an element not found in Onuki. Specifically, claim 7 recites “a display portion for displaying an image taken by the image taking apparatus; and an indicating portion adjoining said display portion for indicating that images are being taken in said multiplex image taking mode.”

In portions specified in the Office Action, the type of pixel shifting mode is displayed on the display device DISP of the camera main body CMR to inform the user of which mode is used for photographing an image. (Col. 20, ll. 11-15, emphasis added). However, there is no disclosure in Onuki of an indicating portion adjoining the display portion for indicating that images are being taken in the multiplex image taking mode. Accordingly, Onuki does not include every limitation and cannot anticipate claim 7.

Claim 8 is not anticipated by Onuki because claim 8 recites an element not found in Onuki. Specifically, claim 8 recites “a display portion for displaying an image taken by the camera; and an indicating portion adjoining said display portion for providing an indication distinguishing between said first mode and said second mode.” As discussed above, there is no disclosure in Onuki of an indicating portion adjoining the display

portion for indicating that images are being taken in the multiplex image taking mode. Accordingly, Onuki does not include every limitation and cannot anticipate claim 8.

Claims 9-12 depend from and include every limitation of claim 8. Therefore, claims 9-12 are not anticipated by Onuki for at least those reasons explained in regard to claim 8.

Claim 13 is not anticipated by Onuki because claim 13 recites an element not found in Onuki. Specifically, claim 13 recites “a controller which, when said abnormality is detected by said detector, suspends processing in said specific mode, and accepts user selection regarding image recording for said plurality of images taken.” As discussed above, there is no disclosure in Onuki of accepting user selection regarding image recording for the plurality of images taken when the abnormality is detected and the mode is suspended. Accordingly, Onuki does not include every limitation and cannot anticipate claim 13.

Claim 14 is not anticipated by Onuki because claim 14 recites an element not found in Onuki. Specifically, claim 14 recites “a controller which, when said abnormality is detected by said detector, suspends processing in said specific mode, and accepts user selection regarding image recording for said plurality of images taken.” As discussed above, there is no disclosure in Onuki of accepting user selection regarding image recording for the plurality of images taken when the abnormality is detected and the mode is suspended. Accordingly, Onuki does not include every limitation and cannot anticipate claim 14.

Claim 15 is not anticipated by Onuki because claim 15 recites an element not found in Onuki. Specifically, claim 15 recites “a display which, when said abnormality is detected by said detector, indicates that image taking in said specific mode is unsuccessful, and provides for user selection regarding image recording for said plurality of images taken.” As discussed above, there is no disclosure in Onuki that the display provides for user selection regarding image recording for the plurality of images taken when the

abnormality is detected and image taking in the specific mode is unsuccessful.
Accordingly, Onuki does not include every limitation and cannot anticipate claim 15.

Claim 16 is not anticipated by Onuki because claim 16 recites an element not found in Onuki. Specifically, claim 16 recites "a display which, when said abnormality is detected by said detector, indicates that image taking in said specific mode is unsuccessful, and provides for user selection regarding image recording for said plurality of images taken." As discussed above, there is no disclosure in Onuki that the display provides for user selection regarding image recording for the plurality of images taken when the abnormality is detected and image taking in the specific mode is unsuccessful.
Accordingly, Onuki does not include every limitation and cannot anticipate claim 16.

Accordingly, it is respectfully requested that the rejection of claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by Onuki, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

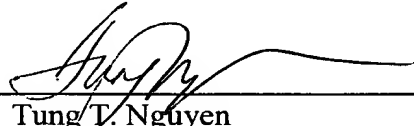
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Application No. 09/825,400
Amendment dated April 28, 2005
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Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: _____



Tung T. Nguyen
Registration No. 42,935
Attorney for Applicants

TTN/llb:bar
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3478
Main: (214) 981-3300
Facsimile: (214) 981-3400
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